REMARKS

The present invention relates to an isocyanate-reactive component useful for the production of a rigid closed cell polyurethane foam by a RIM process. The isocyanate-reactive component of the present invention includes from 0.5 to 30% by weight of a polyol based on vegetable oil, fish oil or oil derived from animal fat, from 5 to 80% by weight of another isocyanate-reactive material having a functionality of at least 1 and a number average molecular weight of from 400 to 10,000, a chain extender, a blowing agent and a catalyst.

Claims 1-7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by WO 00/23491. Applicant respectfully traverses this rejection.

WO 00/23491 discloses isocyanate prepolymers produced with natural soya oil.

This reference does not disclose an isocyanate-reactive component which includes a chain extender or crosslinking agent, blowing agent and catalyst and soya oil that has **not** been reacted when an isocyanate is present.

Applicant's claimed isocyanate-reactive component must include a polyol based on vegetable oil, fish oil or oil derived from animal fat.

The isocyanate-terminated prepolymer disclosed in WO 00/23491 is clearly not a polyol of the type required in the present invention.

WO 00/23491 does not therefore disclose Applicant's invention and does not support a rejection of the claimed invention under 35 U.S.C. § 102(b).

Withdrawal of this rejection is therefore requested.

Claims 1-7 further stand rejected under 35 U.S.C. § 102(b) as being anticipated by JP 05/962,617. Applicant respectfully traverses this rejection.

JP 05/962,617 (English abstract) discloses foams made with a polyisocyanate and a polyol component that includes at least 5% of an ester formed from a polyhydric alcohol and a fatty acid. Soybean oil monoglyceride is the specific ester mentioned in the abstract.

An ester is not a polyol.

Applicant's invention requires a polyol based on vegetable oil, fish oil or oil derived from animal fat in the claimed isocyanate-reactive component. JP 05/962,617 does **not** teach a polyol component in which a polyol based on vegetable oil, fish oil or oil derived from animal fat is present.

JP 05/962,617 does not therefore disclose Applicant's claimed invention and does not support a rejection of the claimed invention under 35 U.S.C. § 102(b).

Withdrawal of this rejection is therefore requested.

Claims 1-6 also stand rejected under 35 U.S.C. § 102(b) as being anticipated by Dietrich et al (U.S. 5,886,062). Applicant respectfully traverses this rejection.

Dietrich et al discloses a process for the production of substantially closed-cell polyurethane foams in which the isocyanate-reactive component may include castor oil or a reaction product of castor oil and amine.

Neither castor oil nor the disclosed castor oil reaction product is a **polyol** based on vegetable oil, fish oil or oil derived from animal fat of the type required in Applicant's claimed invention.

Dietrich et al does not therefore disclose Applicant's claimed invention and does not support the rejection of Claims 1-6 under 35 U.S.C. § 102(b).

Withdrawal of this rejection is therefore requested.

Claims 1-6 are further rejected under 35 U.S.C. § 102(b) as being anticipated by Scherzer et al (U.S. 6,329,440). Applicant respectfully traverses this rejection.

Scherzer et al discloses a process for the preparation of polyisocyanate polyaddition products by reacting an isocyanate with an isocyanate-reactive component. Scherzer et al does **not** disclose the **polyol** based on vegetable oil, fish oil or oil derived from animal type which is required in Applicant's claimed invention.

Scherzer et al does not therefore anticipate Applicant's claimed invention.

Withdrawal of this rejection is therefore requested.

Claims 1-7 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Kurth (U.S. 6,180,686). Applicant continues to traverse this rejection.

Kurth was discussed and distinguished over the claimed invention in Applicant's previous response. This discussion will not be repeated. Rather, Applicant will address the specific points raised by the Examiner in the Office Action.

It is argued in the Office Action that it would have been obvious to one skilled in the art to use a polyether based polyol in combination with the soy oil disclosed by Kurth for the purpose of imparting relative non-degradability to the products produced therefrom in view of the well known nature of the polyols excluded by the reference.

Applicant submits that this argument does not have the factual basis necessary to support a proper rejection under 35 U.S.C. § 103.

More specifically, the **only** teachings in Kurth with respect to use of the known polyether and polyester polyols in the disclosed foam-forming systems are directed to the fact that these known polyols are being replaced by the disclosed vegetable oil(s). In fact, Kurth states:

> "The present invention comprises a flexible or semi-rigid urethane foam that is the reaction product of at least an isocyanate, a vegetable oil, and a cross linking agent." **The reaction is free of petroleum-based polyester or polyether polyols.** (emphasis added) (column 7, lines 4-8).

There is no teaching in the Kurth reference which suggests use of **any** known polyether or polyester polyol in combination with the required vegetable oil. Absent such teaching, the conclusion stated in the Office Action (at page 4, lines 8-13) has no factual basis. Such unsupported speculation does not, however, provide a proper basis for a rejection under 35 U.S.C. § 103.

Withdrawal of this rejection is therefore requested.

In view of the above remarks, reconsideration and allowance of Claims 1-7 are respectfully requested.

Respectfully submitted,

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